IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.449 OF 2005
IN
CRIMINAL APPEAL NO.124 OF 2004

Nilratan Radharaman Mukherjee ...Applicant.

V/s

State of Maharashtra
(N.M. Joshi Marg Police Stn.) ...Respondent.

Mr. A.M. Patankar for the applicant.

Mr. D.P. Adsule, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 8th February, 2005

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for reducing the amount of bail imposed by the Trial Court. The applicant was directed to be released on bail by the Supreme Court by its order dated 17/12/2004. The Supreme Court, however, directed that the Special Judge should impose conditions for release of the applicant. The Special Judge of the Trial Court has directed that the applicant should execute a personal bond in the sum of Rs 5 lakhs with two or more sureties in the equal amount.

3. The learned Counsel appearing on behalf of the applicant submits that it is not possible to provide

two or more sureties in the amount of Rs 5 lakhs. He submits that this condition may be relaxed.

4. The Apex Court way back in the Motiram's case has observed that the amount of bail should be such that the accused is in a position to comply with the said condition. In the present case, the Supreme Court has directed that the applicant be released on bail. In my view, the amount of Rs 5 lakhs is excessive and, therefore, the same is reduced to Rs. 1 lakh with two or more sureties in the like amount. The condition is accordingly modified. However rest of the conditions are not modified.

5. Application is allowed in the above terms.

V.M. KANADE, J.